

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

**IN RE: JOHNSON & JOHNSON
TALCUM POWDER PRODUCTS
MARKETING, SALES
PRACTICES, AND PRODUCTS
LIABILITY LITIGATION**

MDL No. 16-2738 (MAS) (RLS)

***THIS DOCUMENT RELATES TO
ALL CASES***

**THE PLAINTIFFS' STEERING COMMITTEE'S SUPPLEMENTAL BRIEF
IN SUPPORT OF ITS OPPOSITION TO DEFENDANTS' MOTION TO
EXCLUDE PLAINTIFFS' EXPERTS' GENERAL CAUSATION OPINIONS
FILED WITH THE AFFIDAVIT OF DAVID D. MUTHC, M.D. OF THE
SOCIETY OF GYNECOLOGIC ONCOLOGY (SGO)**

The Plaintiffs' Steering Committee (PSC) supplements its *Opposition to Defendants' Motion to Exclude Plaintiffs' Experts' General Causation Opinions* (ECF No. 33129) with the September 4, 2024 affidavit of David D. Mutch, M.D., on behalf of the Society of Gynecologic Oncology (SGO). This new affidavit is additional support for Plaintiffs' assertion that medical bodies like SGO and the American College of Obstetricians and Gynecologists have *not* weighed in on the question of general causation.

A centerpiece of Defendants' challenge to Plaintiffs' causation experts is their contention that "medical organizations . . . have consistently agreed that the scientific evidence does *not* support the conclusion that talc is a cause of ovarian cancer." (ECF No. 33008-2 at 1 (emphasis in original).) To support this, Defendants relied primarily on two organizations—the American College of Obstetricians and Gynecologists (ACOG) and the Society of Gynecologic Oncology (SGO). According to Defendants, both organizations "reiterated their rejection of plaintiffs' proffered causal theory" because they do not list talcum powder as a risk factor for ovarian cancer on their webpages. (ECF No. 33109, Defs.' Opp. to Pls.' Resp. to Court's Order, at 34, 6–7.)

The PSC already responded to that claim in its briefing defending the PSC's general causation experts: "At best, that is a distortion of the record. At worst, it's a knowing misstatement." (ECF No. 33129, Pls.' Opp. to Defs.' Mot. to Exclude General Causation Opinions at 36.) With that brief, the PSC filed the affidavit of Nancy O'Reilly of ACOG, who made clear that ACOG has *never* performed a systematic review of the evidence and has never reached a conclusion one way or another. (*Id.* at 37, ECF No. 33130-45 (Ex. 45).)

Today, the PSC supplements the motion record with a second affidavit from Dr. David Mutch, attached as **Exhibit 1**. He is the former President of the Society of Gynecologic Oncologists, and a member of its Board for six years. (*Id.* ¶¶ 3, 4.)

Dr. Mutch explains that SGO considered performing a systematic review of the evidence on talc and ovarian cancer, but ultimately declined to do so. (*Id.* ¶¶ 8–11.) As he explains, SGO “did not undertake [a] systemic or exhaustive review of the scientific and medical research” on talc products and ovarian cancer. (*Id.* ¶ 11.)

This affidavit further supports the PSC’s assertion that—contrary to Defendants’ claims—neither SGO nor ACOG ever evaluated the relationship between Defendants’ talcum powder products and ovarian cancer.

Dated: September 5, 2024

Respectfully submitted,

s/ Michelle A. Parfitt
Michelle A. Parfitt
ASHCRAFT & GEREL, LLP
1825 K Street, NW, Suite 700
Washington, DC 20006
Tel: 202-335-2600
mparfitt@ashcraftlaw.com

s/ P. Leigh O'Dell
P. Leigh O'Dell
BEASLEY, ALLEN, CROW,
METHVIN
PORTIS & MILES, P.C.
218 Commerce St.
Montgomery, AL 36104
Tel: 334-269-2343
leigh.odell@beasleyallen.com

Plaintiffs' Co-Lead Counsel

s/ Christopher M. Placitella
Christopher M. Placitella

COHEN, PLACITELLA & ROTH,
P.C.
127 Maple Ave.
Red Bank, NJ 07701
Tel: 732-747-9003
clpacitella@cprlaw.com

Plaintiffs' Liaison Counsel

CERTIFICATE OF SERVICE

I hereby certify that on September 5, 2024, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the CM/ECF participants registered to receive services in this MDL.

Respectfully submitted,

s/ Michelle A. Parfitt
Michelle A. Parfitt